

**PUBLIC HEARING**  
**PROPOSED AMENDMENT TO ZONING LOCAL LAW**  
**“WIND ENERGY CONVERSION SYSTEMS”**  
**WEDNESDAY, JULY 1, 2009, 7:00 P. M.**  
**NEW WINDSOR TOWN HALL**  
**NEW WINDSOR, NEW YORK**

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Lundstrom

**OTHER OFFICIALS PRESENT:** Town Attorney Blythe, Police Lieutenant Farbent, Comptroller Finnegan, Highway Superintendent Fayon, Assessor Wiley

**ABSENT OFFICIALS:** Councilwoman Weyant

**SALUTE TO FLAG**

Supervisor Green asked for a moment of silence in memory of Donald Canfield, husband of our Deputy Town Clerk, who passed away in an untimely manner last week. Supervisor Green said that Donald was a good friend to the Town of New Windsor, very active in our youth programs, especially girls softball, and will be sorely missed by all of us.

Supervisor Green called to order a Public Hearing regarding a proposed amendment to Chapter 300, Zoning Local Law, pertaining to Wind Energy Conversion Systems and presided over same.

The Town Clerk presented proof of publication as required by law.

Supervisor Green said that the purpose of the proposed local law is the promotion of renewable energy resources by permitting single tower residential and commercial wind energy conversion systems commonly referred to windmills and by limiting their locations to protect the public health, safety and welfare. He said that he had several letters offering comments on the proposed local law - one from County Legislator Chris Eachus, one from the New Windsor Planning Board recommending the Town Board adopt the proposed amendment, and a letter from the Orange County Department of Planning which recommended strictly adhering to the language of the proposed local law particularly in the area where adjoining property owners don't experience unmitigated negative impacts from approval of a special use permit and also recommended that the Planning Board proceed with its review.

Dominick Cordisco, the attorney for the Planning Board, said that amendment would allow single tower windmills on certain properties. Currently if something is not specifically allowed for in the zoning code, you can't do it and there has been some recent interest from residents about putting up single tower windmills on either residential or commercial property. The Planning Board could not even consider these requests because it is not specifically allowed in the town code. Mr. Cordisco said that they based this amendment on the town's existing cell tower law and used that as a template for this proposal. He said that every property would have to have a minimum lot size of three acres and the setback to any structure has to be one and one-half times the height of the tower. A special use permit would also be required.

Supervisor Green said that also included in the law was a financial security provision for the removal of a windmill if it should be come unused after a period of time. He said this provision was similar to what was done with the outdoor wood burning furnaces.

Diane Newlander requested that the letter from Legislator Chris Eachus be read. Supervisor Green said it was a very long letter, but basically Mr. Eachus felt that the three acre requirement was too much and he said NYSERDA recommended one acre lot size and he suggested a compromise of two acres. He also felt the 1,000 foot site plan requirement was excessive and could be costly. He also felt that a special use permit should not be required.

Leo Braun asked if it was true that the county only required a one acre minimum for a wind tower and a fifty foot minimum distance from another property. Supervisor Green said that was incorrect and that when you submit the site plan, you must show everything within 1,000 feet of the tower and has nothing to do with the siting of the tower. Dominick Cordisco said a tower has to be one and one half times its height away from any adjacent structure. If a tower is twenty five feet tall, then it has to be forty feet away from a structure. As to the acreage required, Supervisor Green said it would be kind of hard to get one and one half times the height of the tower on a one acre lot, it would be virtually impossible.

George Chaleff, owner of Orange Green Energy Systems, had written comments which he submitted to the Town Board and he also made several comments on the proposed local law. He commented on the requirement for a special permit and the requirement for a very detailed site plan. He wanted to know how the town was going to insure that funds would be available for decommissioning a site which is no longer being used. He commented on the requirement for completion of an environmental assessment form and the setbacks. He felt that to allow only one wind turbine per location was very restrictive and he felt that the three acre lot size should be reduced.

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He also felt that fencing was unnecessary and he commented on certifications and inspection reports which he felt could be very costly. Mr. Chaleff feels that the proposed amendment is restrictive and imposes costly and unnecessary regulations and would like the Town Board to look at it again.

Anne Rabalsky (?) from Monroe commended the Town Board for proposing this local law. She said that NYSERDA offers sample legislation covering this matter which the Town Board could look at. She also suggested that the Town Board look at existing ordinances which have already been passed by surrounding communities before adopting this law.

Before closing, Supervisor Green said that several good points had been brought up this evening and an important concern to the Town Board in drafting this local law was to go by the recommendations of the Orange County Department of Planning which was to adhere strictly to the language of the proposed local law especially pertaining to adjacent property owners and making sure they do not suffer a negative impact due to the issuance of a special use permit.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

MOTION – CLOSE PUBLIC HEARING

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the proposed Local Law to promote renewable energy resources by permitting single tower residential and commercial wind energy conversion systems at 7:37 P.M. Said Local Law shall be entitled “Wind Energy Conversion Systems”

Roll Call: All Ayes Motion Carried: 4-0

MOTION – AUTHORIZE SUPERVISOR TO EXECUTE ENVIRONMENTAL ASSESSMENT FORM (EAF) AND ADOPT NEGATIVE DECLARATION – WIND ENERGY CONVERSION SYSTEMS.

Motion by Councilwoman Mullarkey, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, heretofore the Town Board has considered the adoption of a local law entitled "A local law to amend Chapter 300 of the Town of New Windsor Zoning Code to promote renewable energy resources by permitting single tower residential and commercial wind energy conversion systems"; and,

WHEREAS, this is an action subject to SEQR; and,

WHEREAS, this a Type I action under SEQR; and,

WHEREAS, circulation of a notice regarding the Town Board’s intent to serve as SEQR lead agency is not required because there are no other agencies that have approval authority over this proposed action; and,

WHEREAS, the Town Board as the sole Involved Agency assumes Lead Agency status, and as such has caused to be prepared a long Environmental Assessment Form ("EAF"); and,

WHEREAS, on July 1, 2009 the Town Board has conducted a public hearing on the proposed local law and heard all persons interested in the subject matter of the same;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Supervisor is hereby authorized to sign the EAF, and
2. That after considering all of the information presented to it including the EAF, the Town Board determines that the adoption of this local law will not result in any significant adverse environmental impacts and does hereby adopt the Negative Declaration annexed hereto and direct the Town Clerk to publish pursuant to law.

Roll Call: All Ayes Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN  
TOWN CLERK